



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : CHRISTOPHER J. FITZGERALD ET AL.
Conf. No. : 3098
Serial No. : 09/494,156
Filed : January 28, 2000
TC/A.U. : 3625
Examiner : T. Brown

Docket No. : 99-642
Customer No. : 34704

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

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Appeal Brief Under 37 C.F.R. 1.192

Dear Sir:

This is Appellant's Brief in connection with the Appeal filed in the above matter on December 17, 2003.

(1) Real Party in Interest

The real party in interest herein is Carrier Corporation, the assignee of record of the application.

(2) Related Appeals and Interferences

There are no known related appeals or interferences.

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(3) Status of Claims

The case contains claims 1-16, all of which are pending and have been finally rejected over prior art. Rejection of all claims is appealed.

(4) Status of Amendments

No amendments have been filed after final rejection.

(5) Summary of Invention

The invention relates to a system and method for on-line selection of an air conditioning product. Consumers selecting a product are asked to input certain intended use information which is then used to determine an initial BTU capacity and one or more correction factors to be applied to the initial acceptable BTU capacity so as to determine a corrected acceptable BTU capacity for the consumer's desired location. A specific product which possesses a BTU rating meeting the corrected acceptable BTU capacity is then identified and offered for sale to the consumer (Specification page 4, lines 14-22).

(6) Issues

1. Whether claim 1 is properly rejected as obvious based upon an a combination of PR Newswire: "Air Conditioners Are More

Than Cool Air-Insider Tips for Shoppers" (PR Newswire) and US Patent Number 6,282,518 to Farrell et al. (Farrell).

2. Whether claim 5 is properly rejected as obvious based upon an a combination of PR Newswire: "Air Conditioners Are More Than Cool Air-Insider Tips for Shoppers" (PR Newswire) and US Patent Number 6,282,518 to Farrell et al. (Farrell).

(7) Grouping of Claims

Claims 1-4 stand or fall together, as do claims 5-16.

(8) Argument

Independent claims 1 and 5 are not properly rejected as obvious based upon the art of record, and the rejection of these claims should be reversed.

Issue 1

Claim 1 recites an interactive and on-line selection method comprising the steps of interactively obtaining intended use information from a consumer, equating the intended use information with an intended use product characteristic, identifying a suitable product meeting the intended use product characteristic, and identifying the suitable product to the consumer. This is done on-line, preferably through the Internet (claim 2), and can allow the consumer to purchase the product (claim 3).

Turning to the art of record, the Examiner has relied upon PR Newswire and Farrell in rejecting this claim under 35 USC 103. These references contain insufficient teaching to combine them, and such combination if done does not arrive at the present invention.

PR Newswire teaches that consumers should do research or find a trained sales counselor in connection with shopping for an air conditioner. The article read fairly would not teach or suggest a person of skill in the art to shop for an air conditioner using an on-line or interactive method, particularly not via the Internet. The Examiner acknowledges that PR Newswire does not contain teaching or suggestion to perform an interactive on-line selection.

Turning to Farrell, a process is taught for internet ordering of industrial products. These products are said to be of any variety, but the thrust of the disclosure is products which can be selected in a single identification of information from the consumer (Assessment box in figures and column 9, lines 22-58). A person of skill in the art knowing the teachings of PR Newswire and Farrell would not combine them since PR Newswire actually teaches away from such combination, and Farrell contains no teaching to counteract this teaching away. Specifically, PR Newswire teaches that research and/or a trained sales counselor are required to get the most for [consumer's] money when purchasing air conditioners. Farrell simply does not contain disclosure which would address this teaching of PR Newswire so as to lead a person of skill in the art

to arrive at the subject matter of claim 1. The rejection of claim 1 and dependent claims 2-4 is therefore in error and should be reversed.

Issue 2

Claim 5 is similar to Claim 1 discussed above, and recites additional method steps. These steps include obtaining intended use location area from the consumer, transforming this area into an initial BTU capacity, obtaining additional information from the consumer, determining a correction factor from the additional information and applying the correction factor to the initial BTU capacity so as to obtain a corrected BTU capacity.

The argument supporting reversal of the rejection of claim 1 applies equally to this rejection. In addition, further grounds for reversal are as follows.

In rejecting claim 5, the Examiner has stated that PR Newswire teaches this portion of claim 5, and has referenced page 2 of this document. PR Newswire does not teach or fairly suggest the method steps of claim 5. As set forth above, claim 5 clearly calls for obtaining initial information from the consumer, determining an initial BTU capacity from the initial information, obtaining additional information from the consumer, and using that additional information to determine a correction factor to apply to the initial BTU capacity.

Application Number 09/494,156
Appeal Brief dated April 19, 2004

PR Newswire generally references factors which are relevant to making a good selection of an air conditioning product. PR Newswire does not, however, teach the specific steps of claim 5, and neither does Farrell.

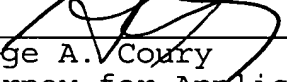
The rejection of claim 5 and dependent claims 6-16 is therefore submitted to be in error and this rejection should be reversed.

(9) Appendix

An Appendix is attached hereto and contains a copy of the claims involved in this appeal.

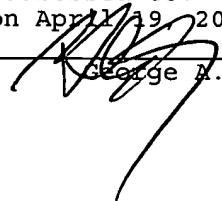
Please charge the fee of \$330.00 for submitting an Appeal Brief, as well as any other fee which may be due, to Deposit Account 02-0184.

Respectfully submitted,
CHRISTOPHER J. FITZGERALD ET AL.

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Date: April 19, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on April 19, 2004


George A. Coury



Appendix to Appeal Brief of April 19, 2004

Serial Number 09/494,156

Claims on Appeal

1. An interactive method for on-line selection of an air conditioning product, comprising the steps of:

providing a database storing a plurality of air conditioning product identifiers and at least one corresponding product characteristic;

interactively obtaining intended use information from a consumer for a desired air conditioning product and intended use location;

equating said intended use information with an intended use product characteristic;

identifying a suitable product having said at least one product characteristic meeting said intended use product characteristic; and

identifying said suitable product to said consumer.

2. The method of claim 1, wherein said database is stored at a server location and wherein said intended use information is obtained from said consumer at a client location communicated with said server location by Internet.

3. The method of claim 1, wherein said identifying step further includes offering said product to said consumer for purchase.

4. The method of claim 1, wherein said corresponding product characteristic includes a BTU rating for each product of said plurality of product identifiers.

5. An interactive method for on-line selection of an air conditioning product, comprising the steps of:

providing a database storing a plurality of air conditioning product identifiers and at least one corresponding product characteristic;

interactively obtaining intended use information from a consumer for a desired air conditioning product and intended use location;

equating said intended use information with an intended use product characteristic;

identifying a suitable product having said at least one product characteristic meeting said intended use product characteristic; and

identifying said suitable product to said consumer, wherein said corresponding product characteristic includes a BTU rating for each product, and wherein said step of interactively obtaining comprises:

obtaining intended use location area from said consumer;

transforming said intended use location area into an initial acceptable BTU capacity for said intended use location area;

obtaining further intended use location information from said consumer;

determining a correction factor from said further intended use location information; and

applying said correction factor to said initial acceptable BTU capacity so as to obtain a corrected acceptable BTU capacity, and wherein said equating step comprises identifying said suitable product having said BTU rating meeting said corrected acceptable BTU capacity.

6. The method of claim 5, wherein said further intended use location information includes an indication from said consumer as to area of exterior facing glass at said intended use location, and wherein said corrected acceptable BTU capacity is determined as follows:

$$R_c = R_i + (C \cdot 60), \text{ wherein}$$

R_i is said initial acceptable BTU capacity in BTU/hour,

R_c is said corrected acceptable BTU capacity in BTU/hour and

C is said area of exterior facing glass in square feet.

7. The method of claim 5, wherein said further intended use location information includes an indication

from said consumer as to whether said intended use location is in sun or shade, and wherein said corrected acceptable BTU capacity is determined as follows:

if sun, $R_c = R_i \cdot 1.1$; and

if shade, $R_c = R_i \cdot 0.95$; wherein

R_i is said initial acceptable BTU capacity in BTU/hour,

and

R_c is said corrected acceptable BTU capacity in BTU/hour.

8. The method of claim 5, wherein said further intended use location information includes an indication from said consumer that a space above said intended use location is one of a roof, an attic, and an occupied room, and wherein said corrected acceptable BTU capacity is determined as follows:

if roof, $R_c = R_i$,

if attic, $R_c = R_i \cdot 0.85$, and

if occupied room, $R_c = R_i \cdot 0.8$, wherein

R_i is said initial acceptable BTU capacity in BTU/hour,

and

R_c is said corrected acceptable BTU capacity in BTU/hour.

9. The method of claim 6, wherein said further intended use location information includes an indication from said consumer as to whether said intended use location is above a cooled space, and wherein said corrected acceptable BTU capacity is determined as follows:

if above a cooled space, $R_c = R_i \cdot 0.8$, and

if not above a cooled space, $R_c = R_i \cdot 0.9$, wherein R_i is said initial acceptable BTU capacity in BTU/hour, and R_c is said corrected acceptable BTU capacity in BTU/hour.

10. The method of claim 5, wherein said further intended use location information includes an indication from said consumer as to whether said desired air conditioning product will be operated only at night, and wherein said corrected acceptable BTU capacity is determined as follows:

if operated only at night, $R_c = R_i \cdot 0.65$, and otherwise, $R_c = R_i$, wherein R_i is said initial acceptable BTU capacity in BTU/hour, and R_c is said corrected acceptable BTU capacity in BTU/hour.

11. The method of claim 5, wherein said further intended use location information includes an indication from said consumer as to geographic location and wherein said step of determining said BTU correction factor includes determining a correction factor for said geographic location.

12. The method of claim 11, wherein said database stores a series of geographic location indicators and a series of correction factors corresponding to said geographic location indicators, and wherein said further

intended use location information from said consumer includes a geographic location indicator.

13. The method of claim 12, further comprising the steps of determining an intended use location climate factor from said geographic location indicator, and determining a corrected acceptable product capacity as follows:

$$R_c = R_i \cdot CF, \text{ wherein}$$

R_i is said initial acceptable BTU capacity in BTU/hour,

R_c is said corrected acceptable BTU capacity in BTU/hour, and

CF is said intended use location climate factor.

14. The method of claim 5, wherein said further intended use location information includes a number of occupants of said intended use location, and wherein said corrected acceptable BTU capacity is determined as follows:

$$R_C = [(I-2) \times 60] + R_I, \text{ wherein}$$

R_I is said initial acceptable BTU capacity in BTU/hour,

R_C is said corrected acceptable BTU capacity in BTU/hour, and

I is said number of occupants.

15. The method of claim 5, wherein said further intended use location information includes an indication from said consumer as to whether said intended use location includes a kitchen, and wherein said corrected acceptable BTU capacity is determined as follows:

if kitchen, $R_C = R_I + 4,800$; and

if no kitchen, $R_C = R_I + 300$; wherein

R_I is said initial acceptable BTU capacity in BTU/hour,

and

R_C is said corrected acceptable BTU capacity in BTU/hour.

16. The method of claim 5, wherein said database stores a series of product identifiers and corresponding ranges of product BTU ratings, and wherein said series is divided into a first portion applicable to air conditioning products which only cool and which mount through a window, a second portion applicable to air conditioning products which only cool and which mount through a wall, and a third portion applicable to air conditioning products which cool

and heat, wherein said further intended use location information includes an indication from said consumer as to whether said desired air conditioning product is to be mounted in a wall or a window, and whether said desired air conditioning product must be able to cool and heat, and wherein said identifying step includes identifying said suitable product using said corrected acceptable BTU capacity and one of said first portion if said desired air conditioning product is to be mounted in a window and only cool, said second portion if said desired air conditioning product is to be mounted in a wall and only cool, and said third portion if said desired air conditioning product must cool and heat.